

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CORDIS CORPORATION,

Plaintiff,

v.

BOSTON SCIENTIFIC CORPORATION,
and SCIMED LIFE SYSTEMS, INC.,

Defendants.

STIPULATION AND ORDER

WHEREAS on May 2, 2005, the Court entered a final judgment (the “Judgment”) in favor of Boston Scientific Corporation and Boston Scientific Scimed, Inc. (formerly Scimed Life Systems, Inc.) (collectively “BSC”) (D.I. 307);

WHEREAS on May 12, 2005, BSC and Cordis Corporation (“Cordis”) filed a Stipulation and Order (the “Prior Stipulation”) (D.I. 308), which provided that, if Cordis timely appealed the Judgment, BSC would file and serve any motion for attorneys’ fees and related expenses pursuant to 35 U.S.C. § 285 and Fed. R. Civ. P. 54(d)(2), and its opening brief in support of that motion, on or before 30 days after the Federal Circuit issues a mandate in this case;

WHEREAS on May 16, 2005, the Court signed the Prior Stipulation;

WHEREAS on May 27, 2005, Cordis timely appealed the Judgment (D.I. 309);

WHEREAS on July 20, 2006, the U.S. Court of Appeals for the Federal Circuit issued as a mandate (the “Mandate”) its judgment affirming-in-part and remanding the case to the Court for supplemental findings on inequitable conduct (D.I. 319; D.I. 320);

NOW, THEREFORE, IT IS HEREBY STIPULATED by Cordis and by BSC, subject to the approval of the Court pursuant to Fed. R. Civ. P. 54(d)(2)(B), that:

1. Notwithstanding the Prior Stipulation and the issuance by the Federal Circuit of the Mandate on July 20, 2006, any motion for attorneys' fees and related expenses which BSC may file pursuant to 35 U.S.C. § 285 and Fed. R. Civ. P. 54(d)(2) shall not be due on or before 30 days after the issuance of the Mandate on July 20, 2006;

2. If there is another timely appeal in this case after the Court addresses the issues raised by the Federal Circuit's remand:

a. BSC shall file and serve any motion for attorneys' fees and related expenses pursuant to 35 U.S.C. § 285 and Fed. R. Civ. P. 54(d)(2), and its opening brief in support of that motion, on or before 30 days after the Federal Circuit issues as a mandate a final judgment in this case;

b. Cordis shall file and serve its answering brief in opposition to BSC's motion on or before 30 days after BSC files its motion and opening brief; and

c. BSC shall file and serve its reply brief in support of its motion on or before 14 days after Cordis files its answering brief; and

3. If, in the alternative, there is not another timely appeal in this case after the Court addresses the issues raised by the Federal Circuit's remand:

a. BSC shall file and serve any motion for attorneys' fees and related expenses pursuant to 35 U.S.C. § 285 and Fed. R. Civ. P. 54(d)(2), and its opening brief in support of that motion, on or before 30 days after the time for appeal has expired;

b. Cordis shall file and serve its answering brief in opposition to BSC's motion on or before 30 days after BSC files its motion and opening brief; and

c. BSC shall file and serve its reply brief in support of its motion on or before 14 days after Cordis files its answering brief.

AGREED TO:

ASHBY & GEDDES

YOUNG CONAWAY STARGATT &
TAYLOR, LLP

/s/ Steven J. Balick
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Attorneys for Cordis Corporation

Dated: August 16, 2006

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Attorneys for Boston Scientific Corporation
and Boston Scientific Scimed, Inc.
(formerly Scimed Life Systems, Inc.)

Dated: August 16, 2006

SO ORDERED this ____ day of August, 2006

United States District Judge